

## Mieles, Janette

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**From:** Taylor, Karen  
**Sent:** Thursday, January 30, 2014 4:51 PM  
**To:** Mcchesney, Dennis  
**Subject:** RE: Draft Final EQB Revised UST regulations

Dennis,

EQB should send EPA the current version of the regs that they propose to submit to the Board next week for approval.

EQB should also provide an email response/rationales to us for the changes made to the regs subsequent to the last conference call Rebecca Jamison & Bethany Barnhart, as outlined in my Dec 12<sup>th</sup> email.

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**From:** McChesney, Dennis  
**Sent:** Thursday, January 30, 2014 2:02 PM  
**To:** Ospina, Janneth  
**Cc:** Garcia Hernandez, Wanda; Melendez Colon, Suzette; Acosta Perez, Rebeca; Acosta Camacho, Samuel; Taylor, Karen  
**Subject:** RE: Draft Final EQB Revised UST regulations

Thank you.

Dennis J. McChesney, Ph.D., MBA  
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**From:** Ospina, Janneth [<mailto:JannethOspina@jca.gobierno.pr>]  
**Sent:** Thursday, January 30, 2014 12:12 PM  
**To:** McChesney, Dennis  
**Cc:** Garcia Hernandez, Wanda; Melendez Colon, Suzette; Acosta Perez, Rebeca; Acosta Camacho, Samuel  
**Subject:** RE: Draft Final EQB Revised UST regulations

Dennis,

Our lawyer and I read the comments and are not representing substantial changes so no problem, because these reviews will be attend in the comment period. Thanks, Janneth

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**From:** McChesney, Dennis [<mailto:McChesney.Dennis@epa.gov>]  
**Sent:** Thursday, January 30, 2014 12:09 PM  
**To:** Ospina, Janneth  
**Cc:** Garcia Hernandez, Wanda  
**Subject:** RE: Draft Final EQB Revised UST regulations

Thank you – I’m not sure how these comments didn’t get sent but I’ll take responsibility. I hope that this doesn’t hold up any of the ongoing approvals.

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**From:** Ospina, Janneth [<mailto:JannethOspina@jca.gobierno.pr>]  
**Sent:** Thursday, January 30, 2014 10:32 AM  
**To:** McChesney, Dennis  
**Cc:** Garcia Hernandez, Wanda  
**Subject:** RE: Draft Final EQB Revised UST regulations  
**Importance:** High

Hi Dennis, I didn’t receive these comments until today. I received on December 16 another comments from Paul Miller that were attended. In this moment the Draft Final is ready to the next meeting of Governing Board next week; may be these comment can be attended in the public comments period, are you according with that?. It because we don’t want delay more the process to public comments and public hiring according with the timing tie that we have. Please let me know if you are according with me. Thanks

**Janneth Ospina**  
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**From:** McChesney, Dennis [<mailto:McChesney.Dennis@epa.gov>]  
**Sent:** Thursday, January 30, 2014 8:55 AM  
**To:** Ospina, Janneth  
**Cc:** Garcia Hernandez, Wanda  
**Subject:** FW: Draft Final EQB Revised UST regulations

Janneth – did you receive these comments from EPA’s attorney? I’m not certain that they were forwarded to you. I also sent you comments from OUST in December. Were those comments addressed? EPA would like to see a copy of the current version of the regulations.

Thank you,

Dennis

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**From:** Taylor, Karen  
**Sent:** Thursday, December 12, 2013 8:06 PM  
**To:** McChesney, Dennis  
**Cc:** Sawyer, William; Halley, Margaret; Moy, Ton  
**Subject:** RE: Draft Final EQB Revised UST regulations

FYI - The Appendices were not attached to the email below.

#### CHANGES TO REVIEW/DISCUSS

Rule 807 B.1. Piping: "corrodible" replaced with "corrosive" Two different meanings. Piping should be non-corrodible.  
C.1.b.i. Spill and Overfill Prevention Equipment: Automatically shut-off the flow into the tank when the tank is no more ninety five (95) not ninety nine (99) percent full.

Rule 815 Compatibility. Section C. on record maintenance deleted.

C. Owners and operators must maintain the following records in accordance Rule 817 for the life of the equipment or component:

1. Documentation of compliance with paragraph B. of this Rule, as applicable; and
2. Records of all equipment or components installed or replaced after [effective date of rule]. At a minimum, each record must include the date of installation or replacement, manufacturer, and model.

Rule 816 Repairs Allowed. Section G. on record maintenance deleted.

G. UST system owners and operators must maintain records in accordance with Rule 817 of each repair until the UST system is permanently closed or undergoes a change-in-service pursuant to Rule 851.

Note that Rule 817 Reporting and Recordkeeping has general references to records for compatibility and repairs, but lacks the specifics.

Rule 863. Applicability. Financial Responsibility. Removed language that made it clear that both owner and operators were liable for noncompliance. "If the owner and operator of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in the event of noncompliance."

Rule 864. All Financial Responsibility definitions deleted.

Rule 865. Amount and Scope. Per-occurrence minimum amounts deleted.

Rule 867. Financial Test of Self Insurance. Template for "Letter From Chief Financial Officer" deleted.

Rule 868. Corporate Guarantee template deleted.

Rule 869. Insurance and Risk Retention Group Coverage. Endorsement and Certificate of Insurance templates deleted.

Rule 870. Surety Bond. Performance Bond template deleted.

Rule 871. Letter of Credit. Irrevocable Standby Letter of Credit template deleted.

Rule 872. Trust Fund. Trust Agreement template deleted.

**\*DELETED RULES\***

After Rule 873, all Rules for local government financial responsibility deleted.

Local Government Bond Rating Test

Local Government Financial Test

Local Government Guarantee

Local Government Fund

**TYPOS AND OTHER CHANGES...**

Typo: Page 8 List of Appendices III 40 CFR Parte 302

803 EQB added exclusions to B; paragraphs 9-16

804 Interim Prohibition changed to 'no person may install an excluded UST system for the purpose of storing regulated substances.' Removed corrosion protection language.

805 Definition intro paragraph deleted.

"De minimus" definition deleted. Replaced with "Minim" definition.

Change to "hazardous substance" definition.

72. Local Government: "municipalities or other created by law..." Other what?

Typo: #83. NFPAL should be NFPA (National Fire Protection Association)

Typo: #101. Public water system ...with at least fifty (15) ...

Typo: #125 applicable to "UST" should be "UST Systems"

#132 Training: Removed reference to approval by EQB.

Typo: #135 Training School Administrator .... "Guess" should be "Guest" Instructors.

#151 Violation: removed reference to Energy Policy Act

809 Removed reference to EPA Notification Form.

Also, "Registration" may be more appropriate than "Register" in section title and under letters G & H.

811 B.2. Typo: "can be carry out" carried out

Rule 828 General RD Requirements A.3. Changed "annually" to "one (1) time per year." Still required to submit to EQB with annual permit renewal, so may be equivalent.

Note: Parts V & VI. Some edits to suspected release notification and response rules.

Typo: Rule 865 D. "no sudden" should be "nonsudden"

Typo: Rule 867 C.4. "counter" should be "accountant"

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*Note that this message may contain privileged material, including attorney-client or attorney work product. If you inadvertently received this email, please contact Karen Taylor at the address above.*

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**From:** Taylor, Karen  
**Sent:** Thursday, December 05, 2013 4:50 PM  
**To:** McChesney, Dennis  
**Subject:** RE: Draft Final EQB Revised UST regulations

No problem. Will do.

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**From:** McChesney, Dennis  
**Sent:** Thursday, December 05, 2013 4:48 PM  
**To:** Taylor, Karen  
**Subject:** FW: Draft Final EQB Revised UST regulations

Karen – I apologize for having sent these to Rudy and not you – a mix up on my part. We’re looking to have EPA approval so that EQB can public notice by the end of the year so that they are back into compliance with the Term and Condition of their grant to have acceptable EPAAct regulations public noticed. I’m hoping for comments by December 16. FYI Margaret Halley broke her hip and is out of the office for a while.

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**From:** McChesney, Dennis  
**Sent:** Tuesday, November 26, 2013 1:30 PM  
**To:** Perez, Rudolph; Kwan, ChoYi  
**Cc:** Sawyer, William; Halley, Margaret; Moy, Ton  
**Subject:** Draft Final EQB Revised UST regulations

Attached please find the revised draft final PREQB UST regulations for your review. See the attached incoming message for the descriptions of the attachment and the timeline for promulgation. Please provide any comments to me by COB December 16, 2013.

Thank you

Dennis J. McChesney, Ph.D., MBA  
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**From:** Ospina, Janneth [<mailto:JannethOspina@jca.gobierno.pr>]  
**Sent:** Tuesday, November 26, 2013 10:19 AM  
**To:** Moy, Ton; McChesney, Dennis; Halley, Margaret  
**Subject:** RE: EQB State Regulations

**Janneth Ospina**  
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**From:** Ospina, Janneth  
**Sent:** Tuesday, November 26, 2013 10:04 AM  
**To:** 'Moy, Ton'; 'McChesney, Dennis'; 'Halley, Margaret'  
**Cc:** Garcia Hernandez, Wanda; Arroyo Rivera, Hector; Melendez Colon, Suzette; Acosta Camacho, Samuel; Diaz Gonzalez, Hector; Rodriguez Rodriguez, Ines  
**Subject:** EQB State Regulations  
**Importance:** High

Hi Margaret/Dennis/Ton

I am writing to follow up the concern about EQB State Regulation. As attachment I send you a zip file with the next documents:

1. [Compared English EPA-English EQB - Nov 26 2013](#): This document is the comparison of EPA version October 2013 and EQB version November 2013.
2. [English version UST Regulation Draft Final - Nov 26 2013](#): This document is the translation of Spanish version made for our lawyer Lcdo. Acosta, Lcdo Diaz and me.
3. [Spanish version UST Regulation Draft Final - Nov 26 2013](#): This document is the draft final version of EQB Regulation revised from EPA Spanish version October 2013.
4. [APPENDICES-Spanish version UST Regulation Draft Final - Nov 26 2013](#): This document have the appendixes of Spanish UST Regulation Draft Final - Nov 26 2013
5. [APPENDICES-English version UST Regulation Draft Final - Nov 26 2013](#): This document have the appendixes of English UST Regulation Draft Final - Nov 26 2013
6. [Appendice of PARPCPTAS](#): This document have the appendixes of PARPCPTAS and PARCUST

Now, the next steps are:

1. EPA Revision of Draft Final: English and Spanish UST Regulation Draft Final - Nov 26 2013
2. EQB Governing Board Revision of Draft Final: English and Spanish UST Regulation Draft Final - Nov 26 2013
3. EQB Governing Board Approval of Draft Final and issue the public notice to comment period
4. Conduct after comment period, the Public Hiring
5. Official examiner's report
6. Issue the Final Version of EQB UST Regulation
7. EQB Governing Board Approval of Final Version of EQB UST Regulation

8. Present the Final Version of EQB UST Regulation to the Puerto Rico State Department
9. Final Version of EQB UST Regulation shall go into effect 30 days after date of filing it at the Puerto Rico State Department

Questions:

- With respect to the EPA Revision of Draft Final and EQB Governing Board Revision of Draft Final, is necessary **wait** until EPA approve the Draft for EQB Governing Board can approve the Draft and issue the public notice?
- If the answer is YES, how many time EPA need to review the Draft? It is necessary to know when the Governing Board can set the meeting for approval the Draft.
- **Important Note:** Is quite possible that EQB close in the Christmas period from 23 December 2013 to 6 January 2014.

If have problems with the attachment please let me know. I hope that all will be ok for you and the Draft can be approved soon. Thanks for your help and for all the help from our staff in order to comply with this task! Thanks to all !

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